

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

Julio Mitjans, Gilbert and Verna Miller, Kirk Russell,
Carl Wallace, Damion McDonald, Yanko Rodriguez,
Lazaros Agueros, Mario Yanes Nunez, Alcibiades
Gonzalez, Wilkins Marmont, and MD Golum Mahbub

Defendant(s)

Case No.

22-6062-Hunt

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 14, 2019-August 3, 2021 in the county of Broward in the
Southern District of Florida, the defendant(s) violated:

Code Section

Title 18 United States Code,
Sections 659, 371, and 2

Offense Description

Theft of Interstate and Foreign Shipments Valued at More Than \$1,000 and
Conspiracy to do the same.

This criminal complaint is based on these facts:

☐ Continued on the attached sheet.



Complainant's signature

Angel Martinez, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/10/2022



Judge's signature

City and state: Fort Lauderdale, Florida

Patrick M. Hunt, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF ARREST WARRANTS

I, Angel E. Martinez, a Special Agent with the Federal Bureau of Investigation, being duly sworn, hereby states as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since March of 2002. I was previously assigned to the South Florida Cargo Theft Task Force, investigating complex major theft by organized criminal enterprises. I am currently assigned to investigate drug trafficking matters. I have experience investigating cargo thefts, organized crime, public corruption, counterterrorism, drug trafficking, money laundering, as well as crimes against persons and property. I have attended numerous courses on conducting criminal investigations and have authored several search and seizure warrants during my tenure with the FBI. During my law enforcement career, I have participated in numerous investigations of theft and other criminal matters. Through my training, my education, and my experience, as well as my conversations with investigators experienced in cargo theft matters, I have become familiar with the way cargo thieves steal merchandise and how they facilitate the transportation, concealment, and sale of stolen property.

2. The information set forth in this Affidavit results from my own investigation and that of other law enforcement agents. This Affidavit is submitted for the limited purpose of establishing probable cause that, between the dates of November 14, 2019, through August 3, 2021, Julio Mitjans ("Mitjans"), Gilbert Miller, Verna Miller, Kirk Russell ("Russell"), Carl Wallace ("Wallace"), Damion McDonald ("McDonald"), Yanko Rodriguez ("Rodriguez"), Lazaros Agueros ("Agueros"), Mario Yanes Nunez ("Nunez"), Alcibiades Gonzalez ("Gonzalez"), Wilkins Marmont ("Marmont"), and MD Golum Mahbub ("Mahbub") committed the offenses of Theft of Foreign and Interstate Shipments valued at more than one thousand dollars (\$1,000), in violation of Title 18, United States Code, Sections 659 and 2, and Conspiracy to do the same, in violation of Title 18, United States Code, Section 371. Because this Affidavit is submitted for the limited purpose of setting forth probable cause for the proposed criminal complaint, it does not contain every fact known to me about the investigation.

PROBABLE CAUSE

3. On or about August 14, 2019, FBI Miami received information from D.M., the owner of Southfork Transportation, LLC ("Southfork Transportation"), concerning a fuel theft operation involving Gilbert Miller and Mitjans, owners of 1st Choice Investment Inc. and Techno-Fuel, Inc., respectively. D.M. stated that he received complaints from two gas station clients who provided detailed listings of fuel shortages. D.M. provided the FBI with a letter detailing first-hand information of the fuel thefts from a fuel tanker truck driver who subsequently became a Confidential Human Source ("CHS") for the FBI.

4. On or about September 5, 2019, the CHS stated that she/he returned to work as a sub-contracted fuel tanker truck driver for Gilbert Miller in December 2018. The CHS previously worked for Gilbert Miller in 2015 and left to pursue employment elsewhere. The CHS admitted the fuel theft scheme was operational in 2015 and the CHS was a participant. The CHS stated Gilbert Miller paid him a daily rate of \$300 to steal fuel in 2015 and upon the CHS' return in 2018.

5. The CHS said in 2018 the fuel theft scheme involved four Southfork Transport drivers (Gilbert Miller, Wallace, Russell, and the CHS) and Gilbert Miller's wife (Verna Miller). The CHS stated three employees of Techno-Fuel, Inc. (Agueros, Rodriguez, and Nunez) owned by Mitjans transferred the stolen fuel from the Southfork Transportation's fuel tanker trucks into Mitjans' fuel tanker trucks and Mitjans subsequently sold the stolen fuel to his retail customers.

6. The CHS provided the FBI a detailed account of how the fuel delivered to more than 45 gas stations located in Broward, Palm Beach, Martin, St. Lucie, Indian River, and Okeechobee Counties were shorted. The CHS explained two different modus operandi utilized by Gilbert Miller and Mitjans to steal fuel. Drivers have taken advantage of a mechanical flaw in the electronic fuel dispensing equipment and a lack of closed-circuit TV ("CCTV") cameras at Port Everglades¹ fuel distribution points to steal fuel during the routine loading of thousands of gallons

¹ Port Everglades is "South Florida's primary storage and distribution center for refined petroleum," where about 12.5 million gallons of refined petroleum products are received on a daily basis on fuel tanker ships deriving from refineries in Texas, Louisiana, Mississippi, Mexico, Europe, the Caribbean, Asia, and South America. All of

of fuel. The CHS stated each fuel tanker truck normally has five compartments which allows drivers to deliver different types of fuel grades to gas stations such as diesel and premium, midgrade, or regular grade of unleaded fuel. Drivers arrived at one of eleven fuel distribution points located at Port Everglades, Broward County, Florida, entered their access code and requested a quantity of fuel grade into the fuel dispensing equipment computers. The drivers attached loading arms (large fuel dispensing hoses) to the four fuel compartments, turned on the computerized fuel dispensing equipment, and fuel was pumped nonstop into each respective compartment. The CHS stated only one of the fuel distribution points at Port Everglades had a CCTV camera positioned to observe the driver while refueling. The distribution points without CCTV camera coverage were susceptible to theft as explained herein.

7. Drivers also utilized a pump and hoses to steal fuel from the Southfork Transportation fuel tankers at two trucking yards in Broward County, Florida. The thefts resulted with drivers delivering less fuel than ordered into a gas station's storage tanks. Gilbert Miller, Mitjans and their respective drivers, stole hundreds of gallons of fuel from each gas station delivery depending on the size of the gas station's storage tanks. The CHS stated Gilbert Miller provided Southfork Transportation drivers with the exact number of gallons the drivers could steal from each gas station delivery based on the size of the gas station's storage tanks. The CHS provided law enforcement with a copy of a detailed list of gas stations and associated maximum number of gallons of fuel that could be stolen from each gas station. If questioned concerning shortages, Gilbert Miller directed drivers to utilize the fuel's expansion and contraction within the underground storage tanks as an excuse if asked by owners who noted fuel shortages.

8. During the summer of 2019, the CHS stated she/he overheard an unidentified driver say Russell was delivering fuel to a Sunoco gas station on Prospect Road. The CHS stated the Sunoco gas station was located at 598 NE 44th Street (Prospect Road), Oakland Park, Broward County, Florida. The CHS' second job was located near this Sunoco gas station and the CHS once observed Russell's tractor and attached Southfork Transport fuel

the petroleum products at Port Everglades originate from outside of the State of Florida.
<https://www.porteverglades.net/cargo/petroleum/from-tanker-to-gas-tank/>

tanker trailer parked at said Sunoco gas station transferring fuel into the underground storage tanks. The CHS knew the Sunoco gas station was not a client of Southfork Transport. The CHS stated the owner of the Sunoco gas station was named "Golam." In 2015, the CHS delivered stolen fuel to Golam at the Prospect Road Sunoco gas station on two or three occasions on behalf of another driver. The CHS spoke with Golam during the fuel deliveries. The CHS stated Golam paid the other driver for the stolen fuel and the other driver paid the CHS for delivering the fuel. The CHS was provided with a Florida drivers' license photograph, without identifying information, and identified Mahbub as the owner of the Prospect Road Sunoco gas station.

THEFT OF FUEL AT PORT EVERGLADES

9. The CHS stated the Southfork Transport fuel tanker drivers routinely load at Port Everglades approximately between 8,500 and 9,400 gallons of fuel onto their fuel tankers for each gas station delivery. The Southfork Transportation drivers are dispatched, on average, to four fuel deliveries per day. The theft occurs during the loading of fuel onto the tanker truck. The recruited drivers arrive at the fuel distribution point and attach the loading arms to the fuel compartments on the fuel tanker truck. The drivers activate the computerized dispensing equipment to pump fuel into the fuel compartments. The complicit drivers 1) abruptly stop the fuel dispensing computer equipment, 2) quickly change the loading arm to an empty compartment, usually compartment four, 3) turn the dispensing computer equipment back on, and 4) divert 150-250 gallons of fuel into compartment four. Upon reaching 150-250 diverted gallons, the drivers stop the fuel dispensing equipment, un-attaching the loading arm from compartment four, and reattach the loading arm and resume dispensing into the originally designated compartment. The drivers have approximately 15 seconds to switch the loading arms back to the originally designated compartment and restart the dispensing before the fuel dispensing equipment shuts down and resets itself. The CHS stated diverting 150-250 gallons of fuel into compartment four would take approximately 15 seconds because the computerized dispensing equipment pumped several hundred gallons of fuel every minute into the compartment. The CHS stated a shutdown and equipment reset exposes the illicit activity to the distribution point terminal manager who could investigate the shutdown, suspend the driver's loading privileges, and report the

incident to the driver's company. The CHS stated a minimum of three drivers working at Southfork Transport (Wallace, Russell, and the CHS) have utilized this method to steal fuel.

THEFT OF FUEL AT TWO TRUCKING YARDS IN BROWARD COUNTY

10. The CHS stated Gilbert Miller parked his tractor trucks and Southfork Transportation fuel tankers next to Mitjans' Ford fuel tanker truck to transfer stolen fuel at the Techno-Fuel trucking yard located at 4700 SW 30th Street, Davie, Broward County, Florida. A review of the February 24, 2020 consensual video recordings by the CHS displayed Techno-Fuel employee Agueros unloading and transferring about 536 gallons of fuel in approximately eight minutes, or approximately 67 gallons of fuel per minute, using the power-take-off ("PTO") pump on Mitjans' stationary Ford fuel tanker truck. Mitjans' Ford fuel tanker has the capacity to store 4,000 gallons of fuel. Mitjans' Ford fuel tanker also has a fuel meter gauge that provides an accurate number of gallons of fuel stolen from the Southfork Transport fuel tankers, and to determine the amount of money Mitjans would pay Gilbert Miller for the stolen fuel.

11. The CHS stated subjects of the investigation used their personal cellular telephones to take photographs of the final meter reading of gallons stolen and forwarded the photographs to Gilbert Miller and/or Mitjans. Mitjans paid Gilbert Miller for the stolen fuel and Gilbert Miller would subsequently pay the recruited drivers. Mitjans paid Gilbert Miller fifty percent of the stolen fuel's current retail value. The CHS provided your affiant ten photographs taken of Mitjans' Ford fuel tanker's meter gauge recording a total number of approximately 5,027 gallons of stolen fuel transferred from the Southfork Transportation fuel tanker to Mitjans' Ford fuel tanker.

12. The CHS has observed Mitjans, Rodriguez, Agueros, Nunez, Verna Miller, and Gilbert Miller transferring stolen fuel from a Southfork Transportation fuel tanker into Mitjans' Ford fuel tanker truck on, but not limited to, the following dates:

Date	Subject(s)	Location
08/14/2019	Yanko Rodriguez	Techno-Fuel Yard, Davie, Broward County, Florida
08/17/2019	Julio Mitjans	Techno-Fuel Yard, Davie, Broward County, Florida
08/19/2019	Yanko Rodriguez	Techno-Fuel Yard, Davie, Broward County, Florida
08/19/2019	Lazaro Agueros	Techno-Fuel Yard, Davie, Broward County, Florida

08/26/2019	Gilbert Miller	Techno-Fuel Yard, Davie, Broward County, Florida
08/26/2019	Julio Mitjans	Techno-Fuel Yard, Davie, Broward County, Florida
09/16/2019	Mario Yanes Nunez	Techno-Fuel Yard, Davie, Broward County, Florida
09/16/2019	Lazaro Agueros	Techno-Fuel Yard, Davie, Broward County, Florida
12/28/2019	Verna/Gilbert Miller	Techno-Fuel Yard, Davie, Broward County, Florida
01/04/2020	Verna/Gilbert Miller	Techno-Fuel Yard, Davie, Broward County, Florida

13. On or about October 10, 2019, D.M. provided your Affiant access to the Global Positioning Satellite ("GPS") real-time and historical location records for the fuel tanker trucks driven by Southfork Transportation drivers between January 2019 and July 2021. Gilbert Miller, Wallace, Russell, and McDonald were aware of the GPS devices installed in each of their respective fuel tanker trailers. The GPS tracking data monitored Southfork Transportation fuel tanker truck locations when loading fuel at the Port Everglades' fuel distribution points and when deliveries were taken to client gas stations. D.M. advised Southfork Transportation drivers are required to transit, without deviation, from Port Everglades fuel distribution points to client gas stations. This stringent direct-route requirement is an industry standard due to safety concerns involving terrorism, fire emergencies, security vulnerabilities, and potential hazardous material spillage. Analysis of the GPS data revealed the fuel tanker trucks belonging to Gilbert Miller, Russell, Wallace, and McDonald transited more than one hundred times from Port Everglades fuel distribution points directly to the Techno-Fuel trucking yard in Broward County, stopping for several minutes, and subsequently departing to their intended gas station deliveries.

14. On or about February 29, 2020 through August 3, 2021, the FBI conducted periodic physical and video surveillance of the Techno-Fuel trucking yard and video recorded Mitjans, Gilbert Miller, Verna Miller, Russell, Wallace, McDonald, Rodriguez, Agueros, Nunez, Gonzalez, and Marmont utilizing a large hose to transfer stolen fuel from Southfork Transportation fuel tankers first into Mitjans' Ford fuel tanker and subsequently into Techno-Fuel's retail fuel tanker trucks. D.M. advised Mitjans, Verna Miller, Rodriguez, Agueros, Nunez, Gonzalez, and Marmont were not Southfork Transportation employees, and not authorized to take fuel off any Southfork Transportation fuel tankers. Although Gilbert Miller, Russell, Wallace and McDonald were Southfork Transportation contracted employees, D.M. reiterated the drivers were not authorized to take any fuel from a Southfork

Transportation fuel tanker until the drivers delivered the entire load of fuel to the intended gas station client. D.M. advised both federal and state regulations required drivers to provide a bill of lading to gas station owners authorizing the fuel delivery within interstate commerce and detailing the quantity of pre-taxed fuel being delivered to client gas stations. Mitjans, Gilbert Miller, Verna Miller, Russell, Wallace, McDonald, Rodriguez, Agueros, Nunez, Gonzalez, and Marmont were video recorded transferring stolen fuel on, but not limited to, the following dates:

Date/Time	Subject(s)	Duration/Approx. Gallons ²	Location
03/04/2020 7:48 AM	Mario Yanes Nunez	Twenty-six minutes/1,742	Techno-Fuel Yard
03/26/2020 8:10 AM	Mario Yanes Nunez	Fifteen minutes/1005	Techno-Fuel Yard
03/26/2020 7:30 PM	Yanko Rodriguez	Ten minutes/670	Techno-Fuel Yard
04/10/2020 4:46 PM	Lazaro Agueros	Thirty minutes/2010	Techno-Fuel Yard
04/13/2020 7:35 AM	Yanko Rodriguez	Forty minutes/2680	Techno-Fuel Yard
04/17/2020 9:54 PM	Yanko Rodriguez	Nine minutes/603	Techno-Fuel Yard
04/18/2020 10:25 AM	Lazaro Agueros	Twelve minutes/804	Techno-Fuel Yard
04/21/2020 2:23 PM	Yanko Rodriguez	Eight minutes/536	Techno-Fuel Yard
04/25/2020 6:56 AM	Julio Mitjans	Eleven minutes/737	Techno-Fuel Yard
04/28/2020 10:39 AM	Mario Yanes Nunez	Fourteen minutes/938	Techno-Fuel Yard
05/09/2020 10:39 PM	Lazaro Agueros	Nine minutes/603	Techno-Fuel Yard
05/19/2020 7:48 AM	Mario Yanes Nunez	Seventeen minutes/1,139	Techno-Fuel Yard
05/25/2020 9:52 AM	Mario Yanes Nunez	Fifteen minutes/1,005	Techno-Fuel Yard
06/22/2020 5:34 PM	Julio Mitjans	Fifty-four minutes/3618	Techno-Fuel Yard
07/03/2020 12:16 PM	Wilkins Marmont	Nine minutes/603	Techno-Fuel Yard
07/13/2020 5:15 PM	Wilkins Marmont Alcibiades Gonzalez	Eighteen minutes/1206	Techno-Fuel Yard
07/14/2020 4:14 PM	Mitjans/Agueros	Eleven minutes/737	Techno-Fuel Yard
07/21/2020 1:26 PM	Alcibiades Gonzalez Lazaro Agueros	Twenty-six minutes/1742	Techno-Fuel Yard
07/22/2020 8:39 PM	Wilkins Marmont	Thirteen minutes/871	Techno-Fuel Yard
08/17/2020 8:15 PM	Wilkins Marmont	Twenty-six minutes/1742	Techno-Fuel Yard
09/15/2020 2:54 PM	Lazaro Agueros Alcibiades Gonzalez	Thirteen minutes/871	Techno-Fuel Yard
09/18/2020 7:25 PM	Wilkins Marmont	Fifteen minutes/1005	Techno-Fuel Yard
09/30/2020 5:39 PM	Alcibiades Gonzalez Wilkins Marmont	Nine minutes/603	Techno-Fuel Yard
02/01/2021 9:21 AM	Gilbert Miller Verna Miller	Six minutes/402	Techno-Fuel Yard
02/02/2021 1:57 PM	Gilbert Miller Verna Miller	Thirteen minutes/871	Techno-Fuel Yard
02/03/2021 2:03 PM	Kirk Russell	Twelve minutes/804	Techno-Fuel Yard

² Computation based on multiplying the number of minutes by the average disbursement of gas a minute by a POP machine (67 gallons) as establish within paragraph 10 supra.

02/06/2021 11:16 AM	Kirk Russell	Nine minutes/603	Techno-Fuel Yard
02/09/2021 9:35 AM	Carl Wallace	Twelve minutes/804	Techno-Fuel Yard
02/11/2021 12:38 AM	Carl Wallace	Eighteen minutes/1206	Techno-Fuel Yard
04/18/2021 4:00 PM	Damian McDonald	Fifteen minutes/1005	Techno-Fuel Yard
04/18/2021 7:34 PM	Gilbert Miller	Nine minutes/603	Techno-Fuel Yard
04/19/2021 12:18 PM	Damian McDonald Gilbert Miller	Five minutes/335	Techno-Fuel Yard
04/19/2021 4:45 PM	Damian McDonald Gilbert Miller	Fifteen minutes/1005	Techno-Fuel Yard
04/22/2021 1:35 PM	Damian McDonald Gilbert Miller	Nine minutes/603	Techno-Fuel Yard
05/07/2021 4:25 PM	Damian McDonald	Seven minutes/469	Techno-Fuel Yard
05/08/2021 2:28 PM	Damian McDonald	Seventeen minutes/1139	Techno-Fuel Yard
05/23/2021 2:06 PM	Gilbert Miller Verna Miller	Ten minutes/670	Techno-Fuel Yard
05/23/2021 7:04 PM	Gilbert Miller Verna Miller	Five minutes/335	Techno-Fuel Yard
07/06/2021 9:26 PM	Gilbert Miller Verna Miller	Seven minutes/441	Techno-Fuel Yard

15. Gilbert Miller and Verna Miller were also video recorded at the Techno-Fuel trucking yard, on multiple dates, attaching a hose with a dispensing nozzle to a Southfork Transportation fuel tanker trailer to transfer stolen fuel to their personal vehicle, a silver BMW sedan bearing Florida license plate KZMW94, and three other vehicles, including a white BMW sport utility vehicle bearing Florida license plate NYBD14 registered to a member of Gilbert Miller's family.

STOLEN FUEL DELIVERED TO A BROWARD COUNTY GAS STATION

16. The CHS identified a Sunoco gas station located at Broward County, Florida, whose owner, Mahbub purchased stolen fuel from Southfork Transport drivers. Analysis of the GPS location records for Southfork Transportation fuel tanker trucks from January 2019 through August 2021 revealed fuel tanker trucks driven by Russell and Wallace making more than fifty unauthorized stops at the Sunoco gas station located at 598 Prospect Road, Oakland Park, Broward County, Florida. D.M. confirmed the gas station was not a client gas station serviced by Southfork Transportation and the fuel tanker trailers were not authorized to be at the Sunoco gas station.

17. On or about November 14, 2019, at approximately 7:30 PM, your Affiant conducted real-time GPS monitoring of Russell's 2005 Blue Kenworth tractor attached to a Southfork Transportation fuel tanker truck. Your

Affiant tracked and surveilled Russell as he arrived at the Sunoco gas station located at 598 Prospect Road, Oakland Park, Broward County, Florida. Your Affiant video recorded Russell attaching a hose from the fuel tanker truck to the Sunoco underground storage tanks to deliver stolen fuel. Upon completion, Russell was video recorded entering the Sunoco gas station emptyhanded without a bill of lading document. Russell spoke with the owner, Mahbub, and departed the gas station a few minutes later.

18. FBI physical and video surveillance of the Sunoco gas station periodically from November 19, 2019 to August 3, 2021, saw Russell and Wallace delivering stolen fuel to Mahbub's Sunoco gas station on, but not limited to, the following dates:

Date/Time	Subject(s)	Duration/Approx. Gallons ³	Location
02/01/2021 9:41 PM	Carl Wallace	Two minutes/600	Sunoco, Oakland Park, Florida
02/06/2021 4:52 AM	Carl Wallace	Three minutes/900	Sunoco, Oakland Park, Florida
02/08/2021 2:51 AM	Carl Wallace	Two minutes/600	Sunoco, Oakland Park, Florida
02/14/2021 2:56 AM	Kirk Russell	Three minutes/900	Sunoco, Oakland Park, Florida
02/19/2021 5:52 AM	Kirk Russell	Three minutes/900	Sunoco, Oakland Park, Florida
02/20/2021 5:37 PM	Kirk Russell	Two minutes/600	Sunoco, Oakland Park, Florida
02/21/2021 5:31 PM	Kirk Russell	Three minutes/900	Sunoco, Oakland Park, Florida

19. Records produced for Mahbub's Sunoco gas station failed to list the fuel deliveries noted in the graph above that were surveilled by the FBI or any other delivery of fuel by a Southfork Transportation driver.

FUEL SHORTAGES REPORTED BY GAS STATION OWNERS

20. On or about October 23, 2019, your affiant interviewed K.K., the owner of four gas stations located in Broward and Palm Beach Counties. K.K. advised his gas stations all experienced unexplained fuel shortages of thousands of gallons while deliveries were exclusively made by Southfork Transportation drivers. K.K. stated a few months ago an anonymous person came into one of his Boca Raton, Palm Beach County, gas stations and told his station manager several Southfork Transportation drivers were stealing fuel from K.K. gas station deliveries by

³ Law enforcement interviewed T.C., a subject matter expert familiar with the Heil Petroleum fuel tanker trailers owned by Southfork Transportation to determine the gravity flow rate of gallons per minute when dropping fuel into an underground fuel storage tank. T.C. advised the gravity-fed flow rates for the standard four-inch piping found on Southfork Transportation fuel tanker trailers will be approximately 400 gallons per minute at inception and reduced somewhat towards the end of the fuel load.

transferring 150-200 gallons of stolen fuel into a designated holding tank within their tanker trunks. On or about December 16, 2019, D.M. provided an inventory of fuel shortage documents for K.K.'s gas stations. K.K. recently fired Southfork Transportation alleging fuel shortages caused by Southfork Transportation drivers. K.K. stated his gas stations were now reporting a surplus of 200 gallons, on average, for each fuel delivery. On or about January 17, 2020, D.M. provide the FBI email correspondences between D.M. and a second gas station client named B.M. B.M. reported an estimated 3.5 million dollars in fuel shortages for a period of several years while being serviced by Southfork Transportation

FEBRUARY 21, 2020 CONTROLLED DELIVERY OF FUEL REPRESENTED TO BE STOLEN

21. On or about February 21, 2020 through February 22, 2020, the FBI facilitated a buy/walk operation. The CHS offered Gilbert Miller hundreds of gallons of fuel represented to be stolen from multiple Port Everglades fuel distributors during the CHS' work shift. The FBI provided the CHS approximately 637 gallons of unleaded fuel and placed the fuel into compartment four of a fuel tanker truck. The CHS consensually recorded telephone conversations with Gilbert Miller where Gilbert Miller instructed the CHS to take 200 gallons of fuel from each of the three scheduled fuel deliveries. On February 21, 2020, the CHS delivered the fuel to the Techno-Fuel fuel yard. No one was available to transfer the fuel to Mitjans' Ford fuel tanker truck. The CHS recorded a telephone conversation with Gilbert Miller who stated he would call "Julio" (Mitjans) to have someone unload the fuel. Subsequent consensual recordings between the CHS and Gilbert Miller confirmed Agueros offloaded and transferred the supposed stolen fuel from the Southfork Transportation fuel tanker truck to Mitjans' Ford fuel tanker truck on February 22, 2020.

FEBRUARY 24, 2020 CONTROLLED DELIVERY OF FUEL REPRESENTED TO BE STOLEN

22. On or about February 24, 2020, the FBI facilitated a buy/walk operation. The CHS offered Gilbert Miller hundreds of gallons of fuel represented to be stolen from multiple Port Everglades fuel distributors during the CHS' work shift. The FBI provided the CHS approximately 544 gallons of unleaded fuel and placed the fuel in compartment four of a fuel tanker truck. The CHS delivered the fuel to Gilbert Miller. The CHS consensually recorded telephone

conversations with Gilbert Miller advising Gilbert Miller of approximately 500 to 600 gallons of fuel loaded on a Southfork Transportation fuel tanker truck from the previous night's fuel deliveries. Gilbert Miller stated he would talk to Mitjans about removing the fuel from the Southfork Transportation fuel tanker truck. The CHS arrived at Mitjans' Techno-Fuel trucking yard and consensually recorded a meeting with Agueros, who told the CHS he was the person who off-loaded and transferred the fuel from a Southfork Transportation fuel tanker truck to Mitjans' Ford fuel tanker truck on February 22, 2020. The CHS asked for the final fuel meter count and Agueros allowed the CHS to photograph a picture on Agueros' phone displaying the meter gauge count of the February 22, 2020 fuel transfer read 637 gallons. Agueros proceeded to unload and transfer the February 24, 2020 load of supposed stolen fuel. The CHS video recorded the entire fuel transfer resulting with a final meter reading count of 526 gallons. The CHS consensually recorded a phone call to Gilbert Miller to advise of the 526 gallons transferred into Mitjans' Ford fuel tanker truck. The CHS requested Gilbert Miller to have Mitjans pay the CHS directly for the stolen fuel and Gilbert Miller declined. The CHS departed the trucking yard shortly thereafter.

23. On or about February 24, 2020, at approximately 6:45 PM, the CHS returned to the Techno-Fuel trucking yard and spoke directly with Mitjans. The CHS complained to Mitjans that Gilbert Miller was not paying the CHS in a timely manner. Mitjans acknowledged that Gilbert Miller was supposed to pay the CHS "300 bucks a day." Mitjans asked how much money Gilbert Miller owed the CHS. The CHS asked Mitjans if the CHS could do business directly with Mitjans. Mitjans stated he would pay the CHS directly if Gilbert Miller approved. Mitjans agreed to call Gilbert Miller on the CHS' behalf to discuss the CHS' payments for the fuel that was controlled delivered during the buy/walk operation.

MARCH 12, 2020 CONTROLLED DELIVERY OF FUEL REPRESENTED TO BE STOLEN

24. On or about March 12, 2020, the FBI facilitated a buy/walk operation. The CHS offered Gilbert Miller hundreds of gallons of fuel represented to be stolen from multiple Port Everglades fuel distributors during the CHS' delivery shift. The FBI provided the CHS with approximately 623 gallons of legally purchased unleaded fuel and placed the fuel in compartment four of a fuel tanker truck. The CHS delivered the fuel to Gilbert Miller. The CHS

advised Gilbert Miller there were probably between 575-600 gallons of fuel. The CHS and Gilbert Miller discussed how Mitjans was cheating them on the number of gallons of stolen fuel Gilbert Miller sold Mitjans by not immediately starting the fuel meter gauge when Mitjans' employees offloaded and transferred the fuel from the Southfork Transportation fuel tanker trucks to Mitjans' Ford fuel tanker truck. Gilbert Miller acknowledged Mitjans had been cheating Gilbert Miller for a long time. At approximately 11:00 PM, the CHS arrived at the Techno-Fuel trucking yard and video recorded Gilbert Miller and Verna Miller unloading and transferring the supposed stolen fuel from the Southfork Transportation fuel tanker truck to Mitjans' Ford fuel tanker truck. The CHS told Gilbert Miller the fuel meter reading stopped at 648 gallons. The CHS departed the Techno-Fuel trucking yard. Gilbert Miller and Verna Miller remained at the Techno-Fuel trucking yard.

APRIL 12, 2020 CONTROLLED DELIVERY OF FUEL REPRESENTED TO BE STOLEN

25. On or about April 12, 2020, the FBI facilitated a buy/walk operation. The CHS offered Gilbert Miller hundreds of gallons of fuel represented to be stolen from multiple Port Everglades fuel distributors during the CHS' work shift. The FBI provided the CHS with approximately 618 gallons of legally purchased unleaded fuel and placed the fuel in compartment four of a fuel tanker truck. The CHS delivered the fuel to Gilbert Miller. At approximately 8:57 AM, the CHS placed a consensually monitored phone call to Gilbert Miller advising Gilbert Miller the CHS had approximately 607 gallons on a Southfork Transportation fuel tanker truck. Gilbert Miller confirmed he would take the fuel off the fuel tanker truck. The CHS arrived at the Techno-Fuel trucking yard at approximately 9:20 AM and consensually recorded a conversation with Gilbert Miller. The CHS requested Gilbert Miller provide the CHS' vehicle with a fill-up of gasoline. Gilbert Miller was recorded utilizing a small hose with a dispensing nozzle to transfer fuel from a Southfork Transport fuel tanker to the CHS' personal vehicle. The CHS departed shortly thereafter. At approximately 10:08 AM, video surveillance recorded Gilbert Miller utilizing a hose to transfer the supposed stolen fuel from the Southfork Transport fuel tanker to Mitjans' Ford fuel tanker truck. Upon completion, Gilbert Miller was observed taking a photograph of Mitjans' Ford tanker truck's meter reading gauge displaying the number of stolen gallons of gasoline transferred.

ILLICIT PAYMENT TO CHS FOR CONTROLLED DELIVERIES OF FUEL

26. On or about February 29, 2020 at approximately 7:10 PM, the CHS consensually recorded a meeting with Verna Miller to collect \$600 cash owed to the CHS for the two controlled fuel deliveries of supposed stolen fuel on February 22, 2020 and February 24, 2020. Verna Miller acknowledged Gilbert Miller was in their home sleeping and had directed her to pay the CHS. The FBI collected the \$600 and entered the currency into the case file as evidence.

FORENSIC ANALYSIS OF SOUTHFORK TRANSPORTATION BUSINESS RECORDS

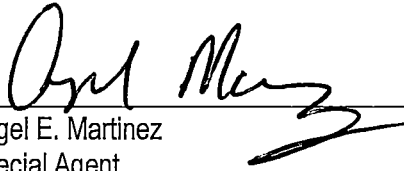
27. The FBI requested and subsequently received Southfork Transportation business records from January 2019 through July 2021. The records included the daily accounting of Southfork Transport delivery locations, gross and net amounts of fuel picked up and delivered by drivers, Port Everglades fuel distributor's bills of lading, client fuel station invoices, and Veeder Root meter totals (gas station fuel measuring equipment). A forensic analysis of Southfork Transportation business records were completed to determine quantifiable differences in the amount of fuel picked up by Southfork Transportation drivers in comparison to the amount of fuel delivered to Southfork Transportation gas station clients located within Broward, Palm Beach, Martin, St. Lucie, Indian River and Okeechobee Counties. The results of the forensic analysis revealed a conservative deficit estimate of 1,461,911 gallons of fuel during the period of January 23, 2019 through June 23, 2021, or a loss in excess of three million dollars by Southfork Transport gas station clients using the average price per gallon of gas of \$2.25 over the last two years in the South Florida retail gasoline market.

CONCLUSION

28. Based on the facts and the information set forth in this affidavit, your affiant believes that there is probable cause that Julio Mitjans, Gilbert Miller, Verna Miller, Kirk Russell, Carl Wallace, Damion McDonald, Yanko Rodriguez, Lazaros Agueros, Mario Yanes Nunez, Alcibiades Gonzalez, Wilkins Marmont and MD Golum Mahbub have committed the offenses of Conspiracy to Commit Theft of Foreign and Interstate Shipments valued at more than one thousand dollars (\$1,000), in violation of Title 18, United States Code, Sections 371 and 659, and Theft of

Interstate Shipments valued at more than one thousand dollars (\$1,000), in violation of Title 18, United States Code, Sections 659 and 2.

FURTHER YOUR AFFIANT SAYETH NAUGHT.


Angel E. Martinez
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on February 10, 2022.


PATRICK M. HUNT
UNITED STATES MAGISTRATE JUDGE